

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

BNSF RAILWAY COMPANY,)	
)	
Plaintiff,)	
)	Case No. 2:22-CV-00068-RLW
v.)	
)	
PAULINE MAGIN, et al.,)	
)	
Defendants.)	

**BNSF’S REQUEST FOR EXTENSION OF TIME TO FILE REPLY BRIEF IN
SUPPORT OF ITS FIRST MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff BNSF Railway Company (“BNSF”) hereby requests an extension of time to file a reply brief in support of its First Motion for Partial Summary Judgment from February 13, 2023 to February 24, 2023. In support of this request, BNSF states as follows:

1. On January 12, 2023, BNSF filed its First Motion for Partial Summary Judgment [Doc. 77] along with its Memorandum in Support [Doc. 78] and Statement of Material Facts [Doc. 79].

2. On February 2, 2023, the Signatory Passengers filed their response to BNSF’s Statement of Material Facts [Doc. 81] and a motion for leave to file their memorandum in opposition that exceeded the Court’s page limit [Doc. 82]. The Court granted the Signatory Passengers’ motion for leave on February 3 [Doc. 83], and the Signatory Passengers’ memorandum was filed that same day [Doc. 84].

3. BNSF understands its deadline to file a reply brief under Local Rule 4.01(C) to be February 13, 2023. That deadline has not passed.

4. From January 23, 2023 to February 1, 2023, lead counsel for BNSF, Sean Hamer – as well as additional counsel Paula Brown and Alex McKenna – were engaged in a trial in the

Circuit Court of Little River County, Arkansas in the matter of *Linda Hobbs v. The Kansas City Southern Railway Company*, Case No: 41CV-2016-80, with Mr. Hamer as lead counsel in that trial.

5. The issues presented by BNSF's First Motion for Partial Summary Judgment are multitudinous, as demonstrated by BNSF's 29-page brief in support and the Signatory Passengers' 39-page brief in opposition. BNSF's counsel requires more than 10 days to fully analyze and research the Signatory Passengers' arguments and brief its position in such a way that would be useful for the Court.

6. On February 9, 2023, BNSF's counsel contacted counsel for the Signatory Passengers to request an extension to file its reply brief. BNSF's counsel also contacted counsel for the Signatory Passengers by telephone, but counsel for the Signatory Passengers has not provided a response to BNSF's request.

7. This request is not for purposes of delay but to allow counsel for BNSF to fully and adequately prepare its reply brief in support of its First Motion for Partial Summary Judgment.

WHEREFORE, counsel for Plaintiff BNSF Railway Company respectfully requests this court enter an order granting an extension of time to file its reply brief until Friday, February 24, 2023.

Respectfully submitted,

/s/ Sean P. Hamer

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CERTIFICATE OF SERVICE

I certify that on the 10th day of February 2023, a true and accurate copy of the foregoing was filed through the Court's electronic filing system, which will serve notification upon all interested parties.

/s/ Sean P. Hamer

Attorney